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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,094	06/11/2001	Douglas C. Morrison		1348

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EXAMINER

ZURITA, JAMES H

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,094

Applicant(s)

MORRISON, DOUGLAS C.

Examiner

James H. Zurita

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-12 and 15-72 is/are pending in the application.
- 4a) Of the above claim(s) 15-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Prosecution History

On 11 June 2001, applicant filed the instant application, claiming priority to application 60/225845, filed 11 August 2000.

On 15 September 2004, the Examiner issued an Election / Restriction Requirement.

On 27 October 2004, applicant elected Invention I with traverse.

On 1 December 2004, the Examiner issued a non-final Office Action, rejecting Claims 1-2, 4-14 as being anticipated by Henson (US Patent 6,167,383), and claim 3 as unpatentable over Henson.

On 26 April 2005, applicant responded to the Office Action.

On 22 September 2005, the response was forwarded to the Examiner.

The present Office Action is in response to the amendment of 26 April 2005.

Response to Amendment

Applicant's amendment of 26 April has been entered. Applicant amended claims 1, 4-8, 10-11. Applicant cancelled claims 2, 3, 12-14.

Claims 1, 4-11 are pending and will be examined.

Response to Arguments

Applicant's arguments filed 46 April 2005 have been fully considered.

Objections to the claims are withdrawn in view of amendment.

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

Applicant argues that his newly amended claims are

clearly different from spread sheets with cells to fill, loan calculators filling in the blanks to compute financial vales; and as best as I can determine the OmniForm 4.0 desktop form filing application which requires "item id" to bring up a description, price. It is not clear what functionality of desktop application was exportable the custom web servers, but since only their servers can be used, it implies client-server relationship, not a client side application.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the Henson reference. The Examiner notes that OmniForm has not been used to reject applicant's claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is not intelligible. The claim reads, in part,

...upon loading any order page or any order summary page, recall and display of previously selected item(s) quantity for the page from said recorded selected tem data; calculation and display of said specified transaction amounts.

The claim will be interpreted as requiring getting data dynamically and displaying a web page by a client side application program activated by actions on the client side.

Claim 6 appears to require "... order summary page is reload once, using an intermediate referring page to overcome the browser cache." The limitation will be interpreted to read on prior art shopping carts, as explained in applicant's disclosures, paragraph 11.

Claim 11 reads, "...said order page and said order summary page further comprise elements to access any said order page and any said order summary page." The term will be interpreted to read on functions performed on a browser, such as hyperlinks that permit a user to go to another page forward and backwards.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Xue (US 5,956,709). The claims are interpreted in light of the claim rejections, above, and as best understood by the Examiner.

As per claim 1, Xue discloses methods of using a web browser for online electronic shopping on a computer, that upon a selection or a change of quantity of an item (see, for example, Col. 7, lines 21-33) on at least one order page or on at least one

order summary page (Figs. 2 and 3), calculates specified transaction amounts and records selected item data on the client computer (see at least Col. 2, lines 22-48)

As per claim 4, Xue discloses that upon loading any order page or any order summary page, recall and display of previously selected item(s) quantity for the page from said recorded selected item data; calculation and display of said specified transaction amounts. See, for example, at least Col. 4, lines 43-52.

As per claim 5, Xue discloses that specified transaction amounts are calculated using values from all said recorded item data. See at least references to recalculating values as in Col. 13, lines 8-36.

As per claim 6, Xue discloses that order summary page is reload once, using an intermediate referring page to overcome the browser cache. See references to shopping cart, as in abstract and Fig. 1 and related text.

As per claim 7, Xue discloses optionally calculating the specified transaction amounts for at least one order page using a running subtotal based on each change of page total. See, for example, at least references to client-side automatic calculations of subtotals, as in Col. 7, lines 21-33.

As per claim 8, Xue discloses said order summary page recording a value for subsequent calculations of the running subtotal. See, for example, at least references to client-side automatic calculations of subtotals; as in Col. 7, lines 21-33.

As per claim 9, Xue discloses said order page, in one of a plurality of formats, displays of at least one item for said selection or change of item quantity. See, for example, Fig. 2 and 3 and related text.

As per claim 10, Xue discloses said order summary page, displays all selected items(s). see, for example, Fig. 6 and related text.

As per claim 11, Xue discloses said order page and said order summary page further comprise elements to access any said order page and any said order summary page. See, for example, Figs. 2, 3, 6, order pages that have running subtotals and provide hyperlinks to other pages and permit users to go back and forward to other order pages and order summary pages.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The article was emailed to applicant on 19 April 2005.

CAERE: OmniForm extends forms publishing capabilities to the Web
M2 Presswire. Coventry: May 26, 1999. pg. 1, downloaded from ProQuest on the Internet on 7 December 2005, 3 pages.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Zurita

Patent Examiner

Art Unit 3625

7 December 2005


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